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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/020,585

Applicant(s)

SAKATANI, NOBUYOSHI

Examiner

Benjamin R. Bruckart

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Detailed Action**

Claims 1-20 are pending in this Office Action.

### **Information Disclosure Statement**

The information disclosure statement filed on 2/28/05 has been considered.

### **Election/Restrictions**

Applicant has elected group I, claims 1-20.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "display delivery information" and "an entering operating". These terms are vague and indefinite.

Claim 9 recites the limitations "a predetermined entering operation" and "a display restart function". These terms are vague and indefinite.

Claim 20 recites the limitation “the specified operation.” There is a lack of antecedent basis for this. The operation could mean “a predetermined operation” which is considered vague and indefinite.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 7-8, 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,442,529 by Krishan et al.**

Regarding claim 1, an information delivery system (Krishan: col. 3, lines 29-32), comprising:  
a computer terminal (Krishan: Fig. 1A 1B, tag 22); and  
an information provider server (Krishan: Fig. 1A 1B, tag 24, col. 9, line 5),  
wherein said computer terminal and said information provider server are connected with each other via a network (Krishan: Fig. 1A 1B; col. 4, lines 37-46);  
said information provider server transmits content to said computer terminal in response to being accessed by said computer terminal (Krishan: col. 3, lines 29-37); and  
said computer terminal accesses a predetermined server via a network (Krishan: col. 5, lines 52- col. 6, line 17), and automatically retrieves display delivery information (Krishan: col. 5, lines 52- col. 6, line 17), in the case where an entering operation is not executed for a predetermined period of time after said computer terminal displays the received contents as display information (Krishan: col. 5, lines 52- col. 6, line 17).

Regarding claim 2, the information delivery system according to claim 1, further comprising:  
an information delivery server connected to the network (Krishan: col. 5, lines 52- col. 6, line 17),  
wherein said information delivery server provides the delivery information in response to being accessed by said computer terminal (Krishan: col. 5, lines 52- col. 6, line 17).

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Regarding claim 7, an information delivery program (Krishan: col. 3, lines 29-32), causing a computer to execute:

- an entering operation judgment function for judging that an entering operation by a user is not executed for a predetermined period of time under a condition that a Web page obtained via a network is displayed (Krishan: col. 5, lines 52- col. 6, line 17);

- a content obtaining function for obtaining content from a predetermined server via the network in the case that it is judged that the entering operation by a user is not executed by said entering operation judgment function (Krishan: col. 5, lines 52- col. 6, line 17); and

- a content display function for displaying the content obtained by said content obtaining function (Krishan: col. 5, lines 52- col. 6, line 17).

Regarding claim 8, the information delivery program according to claim 7, wherein the content is displayed in place of the displayed Web page in said content display function (Krishan: col. 19, lines 41-67).

Regarding claim 11, an information delivery program for executing a predetermined function on an HTML formatted content obtained via a network and displayed on a computer (Krishan: col. 5, lines 52- col. 6, line 17; col. 20, lines 1-7), said program causing a computer to operate:

- a supervising means for supervising an operation by a viewer for a browser equipped with a computer in a state that the HTML formatted content is displayed by the browser (Krishan: col. 13, lines 8-21); and

- a displaying means for displaying an obtained delivery content in place of the HTML formatted content in the case where the operation by the viewer for the browser is not executed under a predetermined condition (Krishan: col. 5, lines 52- col. 6, line 17).

Regarding claim 12, the information delivery program according to claim 11, wherein the delivery content is any content specified in a server side providing the HTML formatted content, and content which the browser obtained by accessing an information delivery server connected to the network (Krishan: col. 5, lines 52- col. 6, line 17; col. 20, lines 1-7).

Regarding claim 13, the information delivery program according to claim 11, wherein the supervising function is provided with a timer function operating by counting up after the HTML formatted content is displayed by the browser, or by counting up after a predetermined entering operation is executed by a viewer, and the operation by the viewer is supervised by use of the timer function (Krishan: col. 17, lines 32-42; col. 18, lines 6-47).

Regarding claim 14, a server, which is connected to a network and provides a computer apparatus connected to the network with a predetermined program (Krishan: col. 5, lines 42- col. 6, line 17), said server comprising:

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an accepting means of a program receiving request for accepting a program receiving request executed based on tag information contained in an HTML content which is obtained by the computer apparatus via the network (Krishan: col. 19, lines 41- col. 20, line 27); and a program providing means for providing an information receiving program based on the program receiving request accepted by use of said accepting means of the program receiving request (Krishan: col. 5, lines 42- col. 6, line 17; col. 18, lines 6-37), the information receiving program being for accessing a predetermined server via the network from the computer apparatus to pull a screen saver page, which is to be displayed on the computer apparatus (Krishan: col. 5, lines 42- col. 6, line 17; col. 18, lines 6-37).

Regarding claim 15, an information delivery server, which is connected to a network and provides a computer apparatus connected to the network with contents (Krishan: col. 3, lines 29-32), the information delivery server comprising:

an access accepting means for accepting access from the computer apparatus based on an action of an information receiving program for an HTML content displayed on the computer apparatus (Krishan: col. 3, lines 29-37); and

a delivery information providing means for providing the computer apparatus with information delivery content in response to being accessed by the computer apparatus and based on the information receiving program (Krishan: col. 3, lines 29-37; col. 5, lines 42- col. 6, line 17), the information delivery content being automatically displayed when a predetermined entering operation is not executed for the displayed HTML content (Krishan: col. 5, lines 42- col. 6, line 17).

Regarding claim 16, the information delivery server according to claim 15, further comprising

a judgment means for judging whether or not the computer apparatus belongs to a predetermined group (Krishan: col. 11, lines 50-67),

wherein said delivery information providing means provides the computer apparatus with the information delivery content being within a range predetermined for each predetermined group (Krishan: col. 11, lines 50-67).

Regarding claim 17, the information delivery server according to claim 15, wherein said delivery information providing a means to refer cookie information at the time of the access from the computer apparatus, selects the delivery content based on the referred cookie information, and provides the computer apparatus with the delivery content.

Regarding claim 18, the information delivery server according to claim 15, wherein the information of a delivery content provided by said delivery information providing means is any one of a URL of the destination to which the delivery content is delivered and the delivery content itself, in which access to the other site is not required (Krishan: col. 14, lines 7-43).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-6, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,442,529 by Krishan et al in view of U.S. Patent 5,706,952 by Davis et al.**

Regarding claim 3,

The Krishan reference teaches:

an advertisement delivery system for automatically delivering advertisements to a viewer computer terminal via a network (Krishan: col. 5, lines 52- col. 6, line 17), comprising:

wherein advertisement information, which is delivered in response to access by the viewer computer terminal (Krishan: col. 5, lines 52- col. 6, line 17), is displayed on a screen of the viewer computer terminal based on predetermined conditions (Krishan: col. 5, lines 52- col. 6, line 17), after the HTML formatted content is displayed on the viewer computer terminal (Krishan: col. 20, lines 1-27).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

an information receiving program embedded in an HTML formatted content which is obtained by the viewer computer terminal via the network (Davis: col. 5, lines 4-34).

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10):

Claims 4-6 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.

Regarding claim 4, the advertisement delivery system according to claim 3, wherein said information receiving program received via the network is embedded in the HTML formatted content, based on tag information provided in the HTML formatted content obtained by the viewer computer terminal (Davis: col. 5, lines 4-34).

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Regarding claim 5, the advertisement delivery system according to claim 3, wherein said information receiving program itself is embedded in the HTML formatted content (Davis: col. 5, lines 4-34), in any one case of a case where the HTML formatted content passes through a relay server for relay of a server providing the HTML formatted content, and a case where the HTML formatted content passes through a provider for providing the viewer computer terminal with a connecting service (Davis: col. 4, lines 38-54).

Regarding claim 6, the advertisement delivery system according to claim 3, wherein the information receiving program is embedded based on tag information which is embedded in the HTML formatted content on a relay server for relay of a server providing the HTML formatted content, or based on tag information which is embedded in the HTML formatted content at the time the HTML formatted content passes through a provider, the provider providing the viewer computer terminal with a connecting service (Davis: col. 4, lines 38-54; col. 5, lines 4-34).

Regarding claim 19,

The Krishan reference an advertising information delivery method for delivering advertising information to a viewer computer terminal via a network (Krishan: col. 3, lines 29-32), said advertising information delivery method comprising the steps of:

supervising an entering operation for the viewer computer terminal by use of the information receiving program after the HTML content is displayed on the viewer computer terminal (Krishan: col. 17, lines 32-42; col. 18, lines 6-47); and

delivering the advertising information to the viewer computer terminal from a predetermined server via the network by access from the viewer computer terminal when the entering operation is not executed for the viewer computer terminal for a predetermined period of time (Krishan: col. 5, lines 42- col. 6, line 17).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

an information receiving program embedded in an HTML formatted content which is obtained by the viewer computer terminal via the network (Davis: col. 5, lines 4-34).

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Claim 20 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.



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Regarding claim 20, the advertising information delivery method according to claim 19, wherein it is determined whether a predetermined operation is executed or not for the viewer computer terminal, and when the specified operation is executed, the advertising information is delivered without awaiting a passage of the predetermined period of time (Krishan: col. 16, lines 24-32; Figure 6A).

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,442,529 by Krishan et al in view of U.S. Patent Publication 2001/0016858 by Bates et al.**

Regarding claim 9,

The Krishan reference teaches:

the information delivery program according to claim 8.

The Krishan reference teaches displaying a webpage and content but does not explicitly state restarting display.

The Bates reference teaches:

causing a computer to further execute a display restart function for restarting to display the Web page in the case where a predetermined entering operation is executed by a user, after the content is displayed in place of the displayed Web page by said content display function (Bates: page 3, para 42-44).

The Bates reference further teaches the invention refocuses the area and minimizes errors and increases productivity (Bates: page 1, para 8-10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing restarting the display as taught by Bates in order to refocuses the area and minimizes errors and increases productivity (Bates: page 1, para 8-10).

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,442,529 by Krishan et al in view of U.S. Patent 6,102,406 by Miles et al.**

Regarding claim 10,

The Krishan references teaches

the information delivery program according to claim 7.

The Krishan reference does not explicitly state allowing a user to specify a category although it does teach a use inputting profile information.

The Miles reference teaches:

a category specifying function for allowing a user to specify a category which the user desires to obtain by use of said content obtaining function (Miles: col. 7, lines 59- col. 8, line 63); and

a writing function for writing information regarding the category specified by said category specifying function into a cookie as user information (Miles: col. 8, lines 38-63).

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The Miles reference further teaches cookies allow sites to track things about pages or users preferences and customize the web site based on the defined preferences (Miles: col. 8, lines 38-63).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing category input and storing it in cookies as taught by Miles in order to allow sites to track things about pages or users preferences and customize the web site based on the defined preferences (Miles: col. 8, lines 38-63).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155  
brb

*BRB*

*Bharat Barot.*  
**BHARAT BAROT**  
**PRIMARY EXAMINER**